

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

## RESPONSE IN OPPOSITION OF MOTION FOR EARLY TERMINATION

Comes now the United States of America, by and through its attorneys, Richard Callahan, United States Attorney for the Eastern District of Missouri and Tracy Lynn Berry, Assistant United States Attorney for said district, and submit the following response to defendant's motion for early termination of probation:

1. Defendant's period of supervision commenced on May 6, 2013.
  2. On February 19, 2015, the United States Probation Office filed a non-compliance report in which it advised this Honorable Court that defendant was substantially in errors of making his restitution payments. At that time, his last payment had been in October 2014 leaving a balance of \$6,764.82 of the \$7,455.82 restitution he was ordered to pay.
  3. Since defendant received a letter of reprimand for Supervising Probation Officer Jo Cooper and was referred to the Money Smart Program, he has made only three payments, those being on: March 13, 2015; April 15, 2015; and, September 25,

2015.

4. Had defendant complied with the terms of his supervision, and paid \$150.00 in restitution as ordered, his outstanding restitution balance would have been less than \$3,000.00 rather than the \$4,790.82 currently remaining.

As defendant has not made any restitution payments in more than two months, and owes a substantial sum toward restitution, the government requests that early termination of defendant's term of supervision is inappropriate.

Accordingly, the United States requests that this Honorable Court deny defendant's motion for early termination of probation.

Respectfully submitted,

RICHARD CALLAHAN  
United States Attorney

s/ Tracy L. Berry  
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**CERTIFICATE OF SERVICE**

Copy of the foregoing will be mailed to defendant November 27, 2015 at the following address: 7127 Horner Avenue B, St. Louis, Missouri 63117.

s/ Tracy Lynn Berry  
ASSISTANT UNITED STATES ATTORNEY